

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**

In the Matter of the Petition)	
of Intrado Communications of Virginia Inc. for Arbitration)	
Pursuant to Section 252(b) of the Communications Act)	WC Docket No. 08-33
of 1934, as amended, to Establish an Interconnection)	
Agreement with Central Telephone Company of Virginia)	
and United Telephone - Southeast, Inc.)	
(collectively, "Embarq"))	
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In the Matter of the Petition of)	
Intrado Communications of Virginia Inc. for Arbitration)	
Pursuant to Section 252(b) of the Communications Act)	WC Docket No. 08-185
of 1934, as amended, to Establish an Interconnection)	
Agreement with Verizon South Inc. and Verizon Virginia)	
Inc. (collectively, "Verizon"))	
)	

**REPLY COMMENTS OF THE MICHIGAN INTERNET & TELECOMMUNICATIONS
ALLIANCE AND TELNET WORLDWIDE, INC.**

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The Michigan Internet & Telecommunications Alliance (MITA), is a Michigan association consisting of Internet Service Providers (ISPs) and Competitive Local Exchange Carriers (CLEC's), including TelNet Worldwide, Inc. (TelNet). MITA and TelNet respectfully submit these REPLY comments in response to the Wireline Competition Bureau's requests for Comments in this proceeding. MITA and TelNet applaud the Commission's effort to obtain comments regarding the issue of competition in the provision of the 911 network to Public Safety Answering Points (PSAPs). We believe this consolidated proceeding represents a significant opportunity for the Commission to support a framework that will advance innovation in the nation's public safety industry.

E911 Market Lacks Competition

MITA and TelNet repeat their concern that the E911 market lacks competition. Competition in this market is in the public interest in order to advance the Congressional intent that 911 calls should provide the same level of information and responsiveness no matter what the telecommunications device, the location of the call, or the physical abilities of the caller. Innovative 911 networks will provide Public Safety Answering Points (PSAPs) with the services and applications to manage more precise information with greater speed and more efficiency to handle 911 communications. With over 6,000 PSAPs nationwide and 180 PSAPs in Michigan, it is a daunting task to introduce new technologies to the E911 service. Nevertheless, it is a mandate that Congress has expressed. The current system in its analog state is overloaded, slow, and non-responsive to today's digital world. Just in Michigan it is estimated that in 2008 there were over 7.5 million calls received by Michigan PSAPs or on average about 20,000 per day. The analog system simply is not capable of delivering the service that the public expects.

Existing 911 System is Antiquated

As the Commission well knows, the existing 911 system is built on an infrastructure that does not support many of the new features that most Americans expect as part of the emergency response system. Text messaging is as common as a two-way voice telephone call. Picture messaging offers a valuable tool to public safety agencies and first responders. Innovative 911 providers, like Intrado, have invested millions of dollars in the development of enhanced features that could save lives and property. Ensuring a competitive 911 marketplace which allows service providers to interconnect to 911 selective routers and database systems like the Master Street Address Guide would greatly facilitate the speed of upgrading the emergency telephone network.

Competition in the broader telecommunications network has led to an era of digital, mobile and IP-based capabilities. Advanced digital technologies would permit a PSAP to be alerted to the location of a car crash if the car occupants are unconscious. This technology could permit communication emitted from medical devices like a defibrillator if the victim could not call themselves. Such technology would also allow the PSAP to broadcast alerts to the general public warning of impending weather alerts or chemical spills.

Limited competition in portions of the 911 network has lead to bottlenecks that significantly restrain the capabilities of today's 911 system. It is imperative that the Commission use the full weight of its authority to ensure that the 911 network has robust competition to avoid any chokepoints.

AT&T's Parochial Interest

In its initial comments, AT&T stated that competition should only be permitted from facility based companies and expressed a concern that certain companies would “cherry pick” opportunities to their corporate advantage. AT&T's position is parochial and self serving. MITA and Telnet Worldwide support a robust system that provides rights and obligations for *all* telecom providers to interconnect in accordance with FCC standards and protocols. We support the pro-competitive positions expressed by Intrado and the Washington State E911 program that would establish network standards that provide the widest possible interface with competitive providers. The general public doesn't care how the call gets to the PSAP, they simply care that it gets there on a timely basis. And they expect the call to get there irrespective of the device they use and irrespective of their provider's status as a “facilities based” competitor. State and federal agencies are filled with countless lawsuits between AT&T and their competitive counterparts. In Michigan alone, there have been over 100 cases at the Michigan Public Service Commission in just the last few years. This is a “home court advantage” for AT&T because they have more lawyers than some competitors have employees. Limiting 911 competition to “facilities based competitors” as proposed by AT&T would allow it to continue its home court advantage and continue to force many providers into an arena that is not a level playing field.

Competitive Carriers Rights under §251(c)

As previously stated, over the years ILECs evolved as the incumbent provider of 911 and E911 services. Their long term arrangements with local public safety agencies has been protected by one-sided contracts and several layers of government bureaucracies.

However, one issue that cannot be permitted to be lost in this shuffle is the absolute legal right of Intrado and other competitive 911 providers to interconnect with Verizon or any other ILEC pursuant to Section 251(c) of the Communications Act.

MITA and Telnet agree with Intrado when they said that “Congress defined ‘telephone exchange service’ in two ways, and a service may satisfy either part of the definition to be considered a telephone exchange service.”

A telephone exchange service under Part (A) of the definition must:

- (1) furnish subscribers intercommunicating service;
- (2) be within a telephone exchange or within a connected system of telephone exchanges within the same exchange area; and
- (3) be covered by an exchange service charge.

A telephone exchange service under Part (B) of the definition must:

- (1) be a comparable service provided through a system of switches, transmission equipment, or other facilities (or combination thereof);
- (2) originate and terminate a telecommunications service; and
- (3) provide subscribers the ability to intercommunicate.

The purpose for including the “telephone exchange service” limitation in 251(c) is not to require an analysis of each local service offered by a carrier, but rather was to ensure that long distance carriers did not attempt to avail themselves of 251(c) interconnection in an effort to circumvent access charges. Congress balanced this quid pro quo to ensure equal bargaining power to

promote competition. ILECs were given the right to enter the long distance market in exchange for opening up their networks for interconnection with competitive providers. Now that Verizon has its long distance rights afforded by Section 271, it seeks to limit its obligations under 251(c) to allow competition to develop at the local level. MITA and Tenet agree with Intrado that its competitive 911/E-911 service meets the standards of both parts of the federal definition and therefore should be considered a telephone exchange service whenever Intrado provides it. Verizon's arguments to the contrary should be rejected.

Competition Spurs Innovation

When Congress passed The New and Emerging Technologies 911 Improvement Act and stated forth its purpose it did so to send a clear message to the FCC.¹ It is evident that the Commission, by allowing public comment in this proceeding, is committed to exercise its full authority as Congress intended.

Congress recognized that an advanced emergency communications network must encompass and incorporate the latest advances in network technology, specifically an IP-enabled network. Competitive Local Exchange Carriers like those members of the Michigan Internet & Telecommunications Alliance have been on the cutting edge of these advancements in utilizing this technology. Their viewpoint appears to be supported by the new Chairman of the FCC. As recently as July 20, according to an article written by Cecilia Kang for the Washington Post, the new Chairman, Julius Genachowski recognized the fact that oftentimes it is the telecom startup that offers the greatest hope for innovation. "I've seen innovation and job creation on the

¹ [t]o promote and enhance the public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities.

platform, on the edge of the platform and in the cloud” the Chairman is quoted as saying. He went on to observe, “that’s where the greatest innovation is.”

Competitive 911 providers, like Intrado are exactly the type of high-tech innovative company that the Chairman referenced. There could not be a better authority for the Wireline Competition Bureau to take note of than its newly sworn-in Chairman. His comments support the fundamental theme of why Intrado’s position should be supported. Competition spurs innovation. The 911 network begs for this innovation. The PSAP community begs for this innovation.² AT&T and Verizon regularly thwart such innovation in an effort to protect their monopoly-like positions by exploiting their control over the emergency telecommunications network. In Michigan, AT&T will not permit CLEC’s to interconnect in a LATA until the CLEC first establishes a 911 service in the costly, archaic and inefficient manner that AT&T dictates causing the CLEC considerable wasted expense.

² See *Health of the US 9-1-1 System*, a study of the current state of technology, funding and governance of the United States 9-1-1 system with recommendations to ensure future health of emergency communications by ColoComm Group, LLC, Dale Hatfield, Brad Bernthal, and Phil Weiser. Available online at www.911alliance.org.

Conclusion

The FCC should act quickly to remove any existing barrier to competitive entry into the 911 marketplace. The nation and its public safety officials deserve nothing less. For these reasons, the Michigan Internet & Telecommunications Alliance and TelNet fully supports Intrado in its petition to open up the 911 market to robust competition.

Respectfully submitted,

**Michigan Internet & Telecommunications
Alliance and TelNet Worldwide, Inc.**

Dated: July 21, 2009

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PROOF OF SERVICE

John R. Liskey, employed with Field Law Group, PLLC, being duly sworn, affirms that on the 21st day of July, 2009, he served a copy of ***the Comments of the Michigan Internet & Telecommunications Alliance and TelNet Worldwide, Inc.*** upon the parties listed below at their respective addresses by e-mail:

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Subscribed and sworn to before me on July 21, 2009

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My Commission Expires September 9, 2008